



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,798	10/23/2003	George R. Allen	Allen-1	7177
7590	03/23/2004			
Donald N. Halgren 35 Central Street Manchester, MA 01944			EXAMINER GRILES, BETHANY L	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,798

Applicant(s)

ALLEN, GEORGE R.

Examiner

Bethany L. Griles

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 7-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson US5058312.

3. Regarding claim 1, Jackson discloses an elongated outer sleeve 64 arranged to pinch any thickness wall structure; and an elongated delivery bolt 130 arranged to be received through the outer sleeve 64, said bolt having an generally radially directed fluid distribution channel therethrough 134, 300.

4. Regarding claim 2, Jackson discloses that the elongated delivery bolt 130 has a bore (col 6, lines 54-62).

5. Regarding claim 3, Jackson discloses that the elongated delivery bolt 130 has a cap on the distalmost end 96.

6. Regarding claim 4, Jackson discloses that the cap 96 is removable (col 5, line 26 discloses that the cap is hingeably mounted).

7. Regarding claim 5, Jackson discloses that the bolt 130 has a plurality of radially directed openings on its distalmost end to permit sideways directed fluid discharge (col 7, lines 58-61).

8. Regarding claim 6, Jackson discloses that the sleeve 64 has a circumferential array of longitudinally directed pairs of fingers 60 therearound, to permit pinching of said assembly to a wall structure.

9. Claims 14-16 (method) are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson.

10. Regarding claim 14, Jackson discloses drilling a hole into a structure, as the initial insertion of the sleeve 64 would require drilling a hole in the wall structure; inserting a collapsible, elongated fingered sleeve 60, 64 into the wall structure; threading a hollow elongated delivery bolt 130 into said sleeve; pinching the wall between a head of the bolt and a finger of the sleeve (figure 5); and injecting a fluid spray into the hollow delivery bolt for introduction of the spray into the wall structure.

11. Regarding claim 15, Jackson discloses inserting a removable end cap 96 into a distal end of said elongated bolt to permit the bolt to push away insulation and wall debris during its being threaded through said sleeve.

12. Regarding claim 16, Jackson discloses a plurality of radially directed openings 134, 300 to permit fluid to be sprayed radially from the distal end of the delivery bolt.

Allowable Subject Matter

13. Claims 7-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pepper US5361533; Leitner et al. US5678352; van Meter US1401292; Poll US3774556; Evans, II US4756118; Tallon US5058313; Moffet et al. US5319878; Mihealsick US5390440; Stager US5860243; Stanley US5870852; Restive US5881493; Neumann US5937572; Hoshall US6446383; Manciet US6463694; Morris, Sr. US5542207; Sieger EP0549065A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/691,798
Art Unit: 3643

Page 5

blg

blg

Bethany L. Griles
Examiner
Art Unit 3643

Peter M. Poon

Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600

3/19/04